

CHAPTER 183

MOTOR VEHICLE INSPECTION

S. F. 297

AN ACT relating to motor vehicle inspection and safety and relating to registration certificates and containers, and providing penalties for violation of the Act.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Chapter three hundred twenty-one (321), Code 1971,
2 is amended by adding the following new sections:

3 1. "The commissioner may grant permits for the operation of
4 vehicle inspection stations authorized to issue official certificates of
5 inspection of vehicles. The commissioner may adopt such rules and
6 regulations, subject to the provisions of chapter seventeen A (17A)
7 of the Code, as shall be necessary for the efficient operation and
8 maintenance of vehicle inspection stations."

9 2. "Application for an authorized inspection station permit shall
10 be made upon forms provided by the commissioner. The biennial
11 fee for an inspection station permit shall be five dollars. The fee
12 shall be submitted with the application for the permit."

13 3. "Upon determining that the inspection station of an applicant
14 for an authorized inspection station permit is properly equipped,
15 has competent personnel to conduct vehicle inspections, and can
16 properly conduct such inspections, the commissioner shall grant such
17 permit."

18 4. "The commissioner shall:

19 1. Supervise and cause inspections to be made of each vehicle in-
20 spection station issued a permit and if he finds that any station is
21 not properly equipped or that inspections are not being properly
22 conducted shall revoke and require the surrender of the permit issued
23 to the station. Notice of revocation shall be by certified mail, return
24 receipt requested, addressed to the address for which the permit was
25 granted. Revocation shall be effective ten days after the date of
26 mailing of such notice unless the permit holder shall request a
27 hearing before the commissioner on the order revoking the permit.
28 If upon hearing the commissioner does not reverse the order of revo-
29 cation the revocation shall be immediately effective unless revoca-
30 tion is enjoined by court action.

31 2. Provide instructions and all necessary forms to authorized in-
32 spection stations for the inspection of vehicles and the issuance of
33 official certificates of inspection.

34 3. Maintain and post at the office of the department lists of all
35 stations holding permits and of stations whose permits have been
36 revoked."

37 5. "No permit for an official inspection station shall be assigned
38 or transferred or used at any location other than the location desig-
39 nated in the permit and each authorized inspection station shall post
40 its permit in a conspicuous place at the designated location of the sta-
41 tion."

42 6. "Official certificates of inspection shall be purchased by in-
43 spection stations from the department at a cost of twenty-five cents
44 per certificate. A permit holder shall receive a credit or a refund,
45 to be paid from the motor vehicle inspection fund, created by this

46 Act, in the amount of twenty-five cents for each unused certificate
47 returned to the department.”

48 7. “No person shall make, issue, or knowingly use any imitation or
49 counterfeit of an official certificate of inspection. No person shall
50 display or cause or permit to be displayed upon any vehicle any
51 certificate of inspection knowing the certificate to be fictitious, or
52 issued for another vehicle, or issued without an inspection having
53 been made. No person shall issue an official certificate of inspection
54 who does not hold a valid permit for the issuance of such certifi-
55 cate.”

56 8. “The fee for inspection, including the issuance of the certificate
57 of inspection, shall be uniform and shall be established by the com-
58 missioner. The fee shall be a reasonable and just charge based upon
59 the average cost and time necessary to perform the inspection, and
60 shall be retained by the inspection station. No inspection station
61 shall absorb the inspection fee, or advertise or represent in any
62 manner that the fee or any part of the fee is directly or indirectly
63 absorbed by the station, nor shall any inspection station charge a
64 fee for inspection services under this Act in an amount other than
65 the fees herein provided.”

66 9. “All fees collected by the department under the provisions of
67 this Act shall be remitted monthly to the treasurer of state. The
68 moneys remitted shall be placed by the treasurer of state in a spe-
69 cial fund to be known as the motor vehicle inspection fund and shall
70 be used to defray the cost of administering the provisions of this
71 Act. Any balance remaining in the motor vehicle inspection fund at
72 the end of each fiscal year shall revert to the general fund of the
73 state on the thirtieth day of September following the end of the
74 fiscal year.”

75 10. “In making a vehicle inspection, the inspection station shall
76 inspect such of the following equipment as is applicable to the vehi-
77 cle: brakes, lights, turning signals, steering, sound devices, glass,
78 mirrors, exhaust system, windshield wipers, seat belts, tires and
79 such other safety equipment as may be prescribed for inspection
80 under rules and regulations adopted by the commissioner. The in-
81 spection station shall also inspect each motor vehicle to ascertain
82 that none of the factory installed emission control devices have
83 been removed or rendered inoperable.

84 Upon completion of inspection of a vehicle and determination that
85 its equipment is in adequate condition and proper adjustment to
86 warrant issuance of a certificate of inspection, the inspection station
87 which has made the inspection shall affix an official certificate of in-
88 spection to such vehicle in the manner specified by the commissioner.
89 Except as otherwise provided, the certificate shall be valid for the
90 period commencing with the calendar month of issue and ending at
91 midnight on the last day of the twelfth calendar month following
92 the month of issue and shall not be valid thereafter.”

93 11. “If an inspection discloses the necessity for repairs, the
94 owner of the vehicle or person having custody thereof shall be so
95 notified. Repairs and adjustments need not be made at the inspec-
96 tion station which has made the inspection and if the owner or per-
97 son having custody of the vehicle elects not to have the repairs or
98 adjustments made at that time a certificate of rejection shall be

99 affixed to the vehicle. If an official certificate of inspection has been
100 affixed to the vehicle which is valid on the date of rejection, the
101 certificate of inspection shall no longer be valid even though the
102 period for which it was issued has not expired and the inspection
103 station shall remove the certificate. After correction of the stated de-
104 fects, the inspection station which made the inspection shall reinspect
105 the vehicle once without additional charge if requested so to do within
106 fifteen days after its issuance of the rejection certificate.

107 The owner or other person having custody of the vehicle shall
108 have such repairs made or defects corrected as are required by the
109 rejection certificate within fifteen days from the date of the rejec-
110 tion certificate. A vehicle for which the repairs are not made or
111 defects not corrected, shall not thereafter be operated on the streets
112 or highways until a valid certificate of inspection has been obtained
113 and affixed to the vehicle."

114 12. "After December 31, 1971, every motor vehicle subject to
115 registration under the laws of this state, except motor vehicles
116 registered under section three hundred twenty-one point one hun-
117 dred fifteen (321.115) of the Code, when first registered in this
118 state or when sold at retail within or without this state, shall be
119 inspected at an authorized inspection station unless there is affixed
120 to the motor vehicle a valid certificate of inspection which was
121 issued for such motor vehicle not more than thirty days prior to the
122 date on which such vehicle was sold. If the motor vehicle is subject
123 to inspection, the authorized inspection station shall issue and affix
124 a valid certificate of inspection or certificate of rejection, as the
125 case may be, in accordance with the results of the inspection. The
126 applicant shall file with an application for title to the vehicle or for
127 registration thereof under the provisions of subsection two (2) or
128 three (3) of section three hundred twenty-one point twenty-three
129 (321.23) of the Code, with the county treasurer of the county of
130 his residence, a statement on a form provided by the commissioner,
131 signed by an authorized inspection station certifying the date that
132 a certificate of inspection was issued for and affixed to the vehicle.
133 The county treasurer shall not issue a title to the vehicle to the
134 applicant or register the vehicle unless such statement is filed with
135 the application showing that the inspection of the vehicle was made
136 not more than thirty days prior to the date of sale. The county
137 treasurer shall mail the statement of inspection to the department
138 at the time of mailing copies of the registration receipt."

139 13. "After December 31, 1971, any peace officer who makes an
140 investigation of an accident may direct that any motor vehicle in-
141 volved in the accident shall be inspected at an official inspection sta-
142 tion within the time fixed by such peace officer."

143 14. "The commissioner may authorize the acceptance in this state
144 of a certificate of inspection issued in another state having an inspec-
145 tion law substantially similar to the provisions of this chapter per-
146 taining to vehicle inspection."

147 15. "Any holder of or an applicant for a permit for an authorized
148 vehicle inspection station, if aggrieved by the ruling of the commis-
149 sioner revoking a permit or denying an application for a permit
150 may, within ten days of such ruling, take an appeal to the district
151 court for the county in which the inspection station is located or

152 to the district court for Polk county.”

153 16. “The inspection of any vehicle and issuance of a certificate of
154 inspection shall not be construed in any court as a warranty of the
155 mechanical condition of the vehicle, and the failure to discover any
156 defect in any vehicle in the course of an inspection under the pro-
157 visions of this Act shall not be made the basis of an action for dam-
158 ages in any court.”

159 17. “It is a misdemeanor for any owner or operator of any vehi-
160 cle required to be inspected to fail to comply with the provisions
161 of this Act.”

162 18. “A person shall not sell any motor vehicle, other than trans-
163 fers to a dealer licensed under chapter three hundred twenty-two
164 (322) of the Code, unless there is a valid official certificate of in-
165 spection affixed to such vehicle at the time of sale. Any person vio-
166 lating the provisions of this section shall be subject to a fine of one
167 hundred dollars and shall be liable to the purchaser in damages for
168 all costs involved in obtaining a valid certificate of inspection for
169 such vehicle.”

1 SEC. 2. Section three hundred twenty-one point three hundred
2 eighty-one (321.381), Code 1971, is amended as follows:

3 **321.381 Scope and effect of regulations.** It is a misdemeanor,
4 punishable as provided in section 321.482, for any person to drive
5 or move or for the owner to cause or knowingly permit to be driven
6 or moved on any highway any vehicle or combination of vehicles
7 which is in such unsafe condition as to endanger any person, or
8 which does not contain those parts or is not at all times equipped
9 with such lamps and other equipment in proper condition and ad-
10 justment as required in this chapter, *or which is equipped with one*
11 *or more unsafe tires*, or which is equipped in any manner in viola-
12 tion of this chapter.

1 SEC. 3. Section three hundred twenty-one point four hundred
2 forty (321.440), Code 1971, is amended as follows:

3 **321.440 Restrictions as to tire equipment.** Every solid rubber
4 tire on a vehicle shall have rubber on its entire traction surface
5 at least one inch thick above the edge of the flange of the entire
6 periphery. [No pneumatic tire shall be used on a motor vehicle
7 when such tire is worn to the extent that more than two layers of
8 fabric or cords are exposed on the entire traction surface.] *Any*
9 *pneumatic tire on a vehicle shall be considered unsafe if it has:*

10 1. *Any part of the ply or cord exposed;*

11 2. *Any bump, bulge or separation;*

12 3. *A tread design depth of less than one-sixteenth (1/16th) of*
13 *an inch measured in any two or more adjacent tread grooves, ex-*
14 *clusive of tie bars or, for those tires with tread wear indicators, worn*
15 *to the level of the tread wear indicators in any two tread grooves;*

16 4. *A marking “not for highway use”, “for racing purposes only”,*
17 *“unsafe for highway use”;*

18 5. *Tread or sidewall cracks, cuts or snags deep enough to expose*
19 *the body cord;*

20 6. *Such other conditions as may be reasonably demonstrated to*
21 *render it unsafe;*

22 7. *Been regrooved or recut below the original tread design depth,*

23 *excepting special taxi tires which have extra undertread rubber*
 24 *and are identified as such; or*

25 8. *If a pneumatic tire was originally designed without grooves or*
 26 *tread, the safety standards therefor shall be established by the com-*
 27 *missioner.*

1 SEC. 4. Section three hundred twenty-one point four hundred
 2 ninety-two (321.492), Code 1971, is amended as follows:

3 **321.492 Peace officers' authority.** Any peace officer is authorized
 4 to stop any vehicle to require exhibition of the driver's operator or
 5 chauffeur license, to serve a summons or memorandum of traffic
 6 violation, to inspect the condition of the vehicle, to inspect the vehi-
 7 cle with reference to size, weight, cargo, bills of lading or other mani-
 8 fest of employment, *tires* and safety equipment, or to inspect the
 9 registration certificate, the compensation certificate, travel order, or
 10 permit of such vehicle.

1 SEC. 5. Section three hundred twenty-one point eighty-eight
 2 (321.88), Code 1971, is hereby amended as follows:

3 **321.88 Advertisement.** If the owner does not appear within that
 4 time, the officer having possession of same *shall make a determination*
 5 *based upon the condition of the motor vehicle whether such motor*
 6 *vehicle should be sold as a motor vehicle for use upon the highways*
 7 *or sold as junk and shall advertise said motor vehicle for sale in a*
 8 *newspaper published within the county at least once each week for*
 9 *two consecutive weeks specifying whether it is to be sold as a motor*
 10 *vehicle for use upon the highways or as junk. If it is to be sold as*
 11 *a motor vehicle for use upon the highways it shall first be inspected*
 12 *as provided in this Act and have a valid certificate of inspection*
 13 *affixed.*

14 *If such vehicle is sold as junk and not sold to a dealer licensed*
 15 *under chapter three hundred twenty-two (322) of the Code such*
 16 *officer shall detach the registration plates and registration card, if*
 17 *any, and deliver them to the department and certify to the depart-*
 18 *ment that such motor vehicle was sold for junk. Upon receipt of*
 19 *such certification the department shall: if the vehicle is of record in*
 20 *the department, cancel the registration and certificate of title for such*
 21 *vehicle on its records; notify the county treasurer of the county*
 22 *where such vehicle was registered and, if different the county treas-*
 23 *urer of the title issuing county, that the registration and certificate*
 24 *of title to such vehicle have been cancelled; authorize the county*
 25 *treasurers to cancel all records pertaining to such vehicles; and, if*
 26 *the owner of such motor vehicle appears of record in the department,*
 27 *notify the owner that the certificate of title to such vehicle has been*
 28 *cancelled and to deliver such certificate of title to the department.*
 29 *No refund of license fees for such vehicle shall be made.*

1 SEC. 6. Section three hundred twenty-one point thirty-two
 2 (321.32), Code 1971, is amended as follows:

3 **321.32 Registration card signed, carried, and exhibited.** Every
 4 owner upon receipt of a registration card shall write his signature
 5 thereon with pen and ink in the space provided. Every such regis-
 6 tration card shall at all times be carried in the vehicle to which it
 7 refers and *shall be shown to any peace officer upon his request [shall*

8 be displayed in the container furnished or approved by the depart-
 9 ment. Such certificate container shall be attached to the vehicle in
 10 the driver's compartment so that same may be plainly seen without
 11 entering the car].

1 SEC. 7. Sections three hundred twenty-one point two hundred
 2 thirty-eight (321.238) through three hundred twenty-one point two
 3 hundred forty-six (321.246), inclusive, Code 1971, are repealed.

1 SEC. 8. Section three hundred twenty-one point one hundred
 2 sixty-seven (321.167), Code 1971, is hereby amended as follows:

3 **321.167 Delivery of plates or emblems.** On or before the first
 4 day of December of each year, the department shall deliver or cause
 5 to be delivered to the county treasurer of each county, approximately
 6 as many duplicate number plates [and certificate containers] as
 7 there are motor vehicles registered in such county during the pre-
 8 ceding year, the plates so delivered to each county treasurer to be in
 9 numerical sequence.

10 In lieu of plates, the department may furnish the county treasurers
 11 appropriate distinguishing emblems as provided in section 321.34.

1 SEC. 9. Section three hundred twenty-one point one hundred
 2 sixty-eight (321.168), Code 1971, is hereby amended as follows:

3 **321.168 Additional deliveries.** Thereafter, during the year, the
 4 department, upon requisition of the county treasurer, shall deliver
 5 additional number plates [and certificate containers].

Approved June 19, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.

CHAPTER 184

COUNTY TRAFFIC ORDINANCES

S. F. 484

AN ACT to authorize county boards of supervisors to adopt and enforce certain traffic ordinances, and to provide penalties for violations.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Chapter three hundred twenty-one (321), Code 1971,
 2 is amended by adding the following new section:

3 "The county board of supervisors may adopt, amend, or repeal traf-
 4 fic ordinances to regulate or prohibit the standing or parking of vehi-
 5 cles within the right-of-way of any highway under its jurisdiction.

6 Any person violating a traffic ordinance adopted under this section
 7 shall be guilty of a misdemeanor and shall, upon conviction, be fined
 8 not to exceed twenty-five dollars, or be imprisoned not to exceed
 9 seven days in the county jail. The form and style of the informa-
 10 tion shall be in the name of the county and as against the person in
 11 violation of the traffic ordinance."

Approved May 27, 1971.